

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Robert J. Wright,
Plaintiff,

V.

Case No. 19-cv-37-jdp

c/o Funk, SGT. Kolbo.
Defendants.

COMPLAINT UNDER THE CIVIL RIGHTS ACT 42 U.S.C. § 1983

INTRODUCTION

This action arises out of Defendants' practice of Failing to provide necessary and appropriate assistance to Plaintiff's mental health crisis of suicidal thoughts upon announcement. As a result of Defendants' deliberate indifference Plaintiff has experienced pain and suffering and emotional distress; and possibly some liver damage. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, for gross and unconscionable violations of the rights, privileges, and immunities guaranteed to Plaintiff by the eighth and Fourteenth Amendments to the United States constitution. Plaintiff seeks declaratory relief, as well as compensatory and punitive damages to compensate him for his pain and suffering and to deter future misconduct by Defendants.

PARTIES

1. Plaintiff Robert J. Wright is an inmate at Wisconsin Secure Program Facility ("WSPF") located at 1101 Morrison Drive, Boscobel, Wisconsin, 53805
2. Defendant C/O Funk is a Correctional Officer at WSPF. He is being Sued in his official and individual Capacities.
3. Defendant Kolbo is a sergeant at WSPF. He is being Sued in his official and individual Capacities.

JURISDICTION AND VENUE

4. The court has Federal jurisdiction over Plaintiff's complaint pursuant to 28 U.S.C. § 1331 because Plaintiff's claim arises under the constitution and laws of the United States, specifically the Eighth Amendment or 42 U.S.C. § 1983.
5. Venue is proper in this court because the entire event and omissions giving rise to Plaintiff's claim occurred in this District. 28 U.S.C. § 139(b)(2).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. On or about December 6, 2018, Plaintiff Filed an Offender Complaint with the Wisconsin Department of Corrections, alleging that officials at WSPF did not respond to his mental crisis of suicidal thoughts until after he announced that he took the pills.

7. A copy of the entire Complaint process is being Sent along with this lawsuit For confirmation that Plaintiff has exhausted the administrative remedies for the allegations pertaining to this lawsuit.

FACTUAL ALLEGATIONS

8. On December 3, 2018, Plaintiff was housed on Delta Unit Range 1 Cell 11a, and For the third day straight Plaintiff was going through a mental crisis and experiencing suicidal thoughts.
9. On the same day of December 3, 2018 at approximately 3:30pm while plaintiff was in his cell, he heard a c/o in the hallway passing out medication and called out loudly and asked which c/o was in the hallway.
10. The c/o responded and stated: This is Funk. Plaintiff said: this is Wright, Come down here I'm having suicidal thoughts of taking myself out.
11. C/o Funk stated: Hold on a minute I have to get these meds out and I'm behind.
12. After approximately 10 minutes went by it appeared to plaintiff that c/o Funk was most likely not coming back.
13. At approximately 4:00pm, Plaintiff pushed the medical button and told SGT. Kolbo that he is having suicidal thoughts and would like to speak with (PSU) Psychology Service Unit.

14. SGT. Kolbo Stated: PSU is not here today, you have to wait until tomorrow, then he immediately shut the speaker off.
15. After Plaintiff was denied assistance from the Correctional Officers for the second time in approximately 30 minutes; the plaintiff went into a more depressive state.
16. Approximately Four and a half hours later at approximately 8:30pm Plaintiff decided to take an entire bottle of Acetaminophen of 24 pills @ 500mg per pill; and Plaintiff took 25 Ibuprofen @ 200mg per pill with the hopes of ending his life.
17. Plaintiff pushed the medical button again approximately 10 minutes later and told SGT. Kolbo that he just took approximately 50 pills and shortly after a few C/O appeared at the plaintiff's cell.
18. Plaintiff was brought out of his cell and after plaintiff told Lt. that he took approximately 50 pills, Nurse Kremling ordered for plaintiff to be sent to the hospital.
19. Prior to arriving at the hospital Plaintiff start to experience severe stomach pain, migraine headache, drowsiness, and physical weakness.
20. While at the hospital the plaintiff experienced vomiting and diarrhea bowel movements, and plaintiff remember being out of it for a period of time and don't know whether he lost conscious or whether he was sleep.

21. While at the hospital the plaintiff was given a charcoal drink to stop the pills from being effective.
22. The nurse took a toxicology test and subsequently stated to the plaintiff that his blood level was high from the pills; and would need to do another test in 2 hours, with the hopes that the charcoal bring his blood levels down.
23. After the second toxicology test was taken and the plaintiff blood levels came down a little, the hospital release him back to the prison.

Respectfully Submitted,
Robert Wright #305094

Date: 1/15/2019